

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

CHAPTER 317

HOUSE BILL 2476

AN ACT

AMENDING SECTION 23-1043.04, ARIZONA REVISED STATUTES; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1043.04, Arizona Revised Statutes, is amended to
3 read:

4 23-1043.04. Methicillin-resistant staphylococcus aureus; spinal
5 meningitis; tuberculosis; establishing exposure;
6 definitions

7 A. A claim for a condition, infection, disease or disability involving
8 or related to methicillin-resistant staphylococcus aureus, spinal meningitis
9 or tuberculosis shall include the occurrence of a significant exposure as
10 defined in this section and, except as provided in subsection B of this
11 section, shall be processed and determined under this chapter and applicable
12 principles of law.

13 B. Notwithstanding any other law, an employee who satisfies the
14 following criteria presents a prima facie claim for a condition, infection,
15 disease or disability involving or related to methicillin-resistant
16 staphylococcus aureus, spinal meningitis or tuberculosis if the medical
17 evidence shows to a reasonable degree of medical probability that the
18 employee sustained a significant exposure within the meaning of this section:

19 1. The employee's regular course of employment involves handling of or
20 exposure to methicillin-resistant staphylococcus aureus, spinal meningitis or
21 tuberculosis.

22 2. Within ~~ten~~ THIRTY calendar days after a possible significant
23 exposure that arises out of and in the course of employment, the employee
24 reports in writing to the employer the details of the exposure. The employer
25 shall notify its insurance carrier or claims processor of the
26 report. Failure of the employer to notify the insurance carrier is not a
27 defense to a claim by the employee.

28 3. For a claim involving methicillin-resistant staphylococcus aureus,
29 the employee ~~is~~ MUST BE diagnosed with methicillin-resistant staphylococcus
30 aureus within ~~two to ten~~ FIFTEEN days of the possible significant exposure.
31 AFTER THE EMPLOYEE REPORTS PURSUANT TO PARAGRAPH 2 OF THIS SUBSECTION.

32 4. For a claim involving spinal meningitis, the employee is diagnosed
33 with spinal meningitis within two to eighteen days of the possible
34 significant exposure.

35 5. For a claim involving tuberculosis, the employee is diagnosed with
36 tuberculosis within twelve weeks of the possible significant exposure.

37 C. On presentation or showing of a prima facie claim under this
38 section, the employer may produce specific, relevant and probative evidence
39 to dispute the underlying facts, to contest whether the exposure was
40 significant as defined in this section or to establish an alternative
41 significant exposure involving the presence of methicillin-resistant
42 staphylococcus aureus, spinal meningitis or tuberculosis.

1 D. A person alleged to be a source of a significant exposure shall not
2 be compelled by subpoena or other court order to release confidential
3 information relating to methicillin-resistant staphylococcus aureus, spinal
4 meningitis or tuberculosis either by document or by oral testimony. Evidence
5 of the alleged source's methicillin-resistant staphylococcus aureus, spinal
6 meningitis or tuberculosis status may be introduced by either party if the
7 alleged source knowingly and willingly consents to the release of that
8 information.

9 E. Notwithstanding title 36, chapter 6, article 4, medical information
10 regarding the employee obtained by a physician or surgeon is subject to
11 section 23-908, subsection D.

12 F. The commission by rule shall prescribe requirements and forms
13 regarding employee notification of the requirements of this section and the
14 proper documentation of a significant exposure.

15 G. Notwithstanding any other law, expenses for postexposure evaluation
16 and follow-up, including reasonably required prophylactic treatment, for
17 spinal meningitis or tuberculosis, shall be a medical benefit under section
18 23-1061 or 23-1062 for any significant exposure that arises out of and in the
19 course of employment if the employee files a claim under this article for the
20 significant exposure or the employee reports in writing to the employer the
21 details of the exposure. Providing postexposure evaluation and follow-up,
22 including prophylactic treatment, does not constitute acceptance of a claim
23 for a condition, infection, disease or disability involving or related to the
24 significant exposure.

25 H. For the purposes of this section:

26 1. "Employee" means firefighters, law enforcement officers,
27 corrections officers, probation officers, emergency medical technicians and
28 paramedics who are not employed by a health care institution as defined in
29 section 36-401.

30 2. "Significant exposure" means exposure in the course of employment
31 to aerosolized bacteria for claims under this section relating to
32 methicillin-resistant staphylococcus aureus, spinal meningitis or
33 tuberculosis. Significant exposure includes exposure in the course of
34 employment to bodily fluids or skin for claims under this section relating to
35 methicillin-resistant staphylococcus aureus.

APPROVED BY THE GOVERNOR APRIL 28, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.

Passed the House March 3, 2011

by the following vote: 57 Ayes,

0 Nays, 3 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 13, 2011

by the following vote: 27 Ayes,

3 Nays, 0 Not Voting

[Signature]
President of the Senate

Charrison B. Deaton
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2476

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

April 19, 2011,

by the following vote: 60 Ayes,

0 Nays, 0 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of April, 2011,

at 8:30 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 28th day of

April, 2011,

at 7:15 o'clock P. M.

[Signature]
Governor of Arizona

H.B. 2476

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 29th day of April, 2011,

at 8:41 o'clock a M.

[Signature]
Secretary of State